

JS 44C/SDNY
REV. 5/2010

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

The Trustees of Tufts College (Appellant)

DEFENDANTS

Bernard L. Madoff Investment Securities, LLC (Appellee)

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Ropes & Gray LLP, Prudential Tower, 800 Boylston Street,
Boston, MA 02199-3600, 617-951-7000

ATTORNEYS (IF KNOWN)

Christopher G. Green, James A. Wright, Andrew G. Devore

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158(a)(1): appeal from decision and order of U.S. Bankruptcy Court

Has this or a similar case been previously filed in SDNY at any time? No? ☐ Yes? ☒ Judge Previously Assigned See attachmentIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE				
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	[] 365 PERSONAL INJURY	[] 620 OTHER FOOD &	28 USC 158	[] 410 ANTI-TRUST				
[] 130 MILLER ACT	LIABILITY	PRODUCT LIABILITY	DRUG	[] 423 WITHDRAWAL	[] 430 BANKS & BANKING				
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	[] 368 ASBESTOS PERSONAL	[] 625 DRUG RELATED	28 USC 157	[] 450 COMMERCE				
INSTRUMENT	SLANDER	INJURY PRODUCT	SEIZURE OF		[] 460 DEPORTATION				
[] 150 RECOVERY OF	[] 330 FEDERAL	LIABILITY	PROPERTY		[] 470 RACKETEER INFLU-				
OVERPAYMENT &	EMPLOYERS'		[] 630 LIQUOR LAWS		ENCED & CORRUPT				
ENFORCEMENT OF	LIABILITY		[] 640 RR & TRUCK		ORGANIZATION ACT				
JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 650 AIRLINE REGS		(RICO)				
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT		[] 660 OCCUPATIONAL		[] 480 CONSUMER CREDIT				
[] 152 RECOVERY OF	LIABILITY	[] 370 OTHER FRAUD	SAFETY/HEALTH		[] 490 CABLE/SATELLITE TV				
DEFAULTED	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING			[] 810 SELECTIVE SERVICE				
STUDENT LOANS	[] 355 MOTOR VEHICLE	[] 380 OTHER PERSONAL			[] 850 SECURITIES/				
(EXCL VETERANS)	PRODUCT LIABILITY	PROPERTY DAMAGE	LABOR		COMMODITIES/				
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	PRODUCT LIABILITY	[] 710 FAIR LABOR		EXCHANGE				
OVERPAYMENT OF	INJURY		STANDARDS ACT		[] 875 CUSTOMER				
VETERAN'S BENEFITS			[] 720 LABOR/MGMT		CHALLENGE				
[] 160 STOCKHOLDERS SUITS			RELATIONS		12 USC 3410				
[] 190 OTHER CONTRACT			LABOR/MGMT		[] 890 OTHER STATUTORY				
[] 195 CONTRACT PRODUCT			REPORTING &		ACTIONS				
LIABILITY			DISCLOSURE ACT		[] 891 AGRICULTURAL ACTS				
[] 196 FRANCHISE			[] 740 RAILWAY LABOR ACT		[] 892 ECONOMIC				
			[] 790 OTHER LABOR		STABILIZATION ACT				
			LITIGATION		[] 893 ENVIRONMENTAL				
			[] 791 EMPL RET INC		MATTERS				
			SECURITY ACT		[] 894 ENERGY				
					ALLOCATION ACT				
					[] 895 FREEDOM OF				
					INFORMATION ACT				
					[] 900 APPEAL OF FEE				
					DETERMINATION				
					UNDER EQUAL ACCESS				
					TO JUSTICE				
					[] 950 CONSTITUTIONALITY				
					OF STATE STATUTES				

REAL PROPERTY		ACTIONS UNDER STATUTES		PRISONER PETITIONS		IMMIGRATION	
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 510 MOTIONS TO	[] 462 NATURALIZATION				
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	VACATE SENTENCE	APPLICATION				
[] 230 RENT LEASE &	[] 443 HOUSING/	20 USC 2255	[] 463 HABEAS CORPUS-				
EJECTMENT	ACCOMMODATIONS	[] 530 HABEAS CORPUS	ALIEN DETAINEE				
[] 240 TORTS TO LAND	[] 444 WELFARE	[] 535 DEATH PENALTY	OTHER IMMIGRATION				
[] 245 TORT PRODUCT	[] 445 AMERICANS WITH	[] 540 MANDAMUS & OTHER	ACTIONS				
LIABILITY	DISABILITIES -	[] 550 CIVIL RIGHTS					
[] 290 ALL OTHER	EMPLOYMENT	[] 555 PRISON CONDITION					
REAL PROPERTY	[] 446 AMERICANS WITH						
	DISABILITIES -OTHER						
	[] 440 OTHER CIVIL RIGHTS						

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE Denise L. Cote DOCKET NUMBER 11-cv-05683

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	<input type="checkbox"/> 1	<input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	<input type="checkbox"/> 3	<input type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	<input type="checkbox"/> 5	<input type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2	<input type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4	<input type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6	<input type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Attorneys for Appellant:

Christopher G. Green
James A. Wright
Andrew G. Devore
Ropes & Gray LLP
Prudential Tower
800 Boylston Street
Boston, MA 02199-3600

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee: Irving H. Picard, as Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC
Baker & Hostetler, LLP
45 Rockefeller Plaza
New York, NY 10111 (NY County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

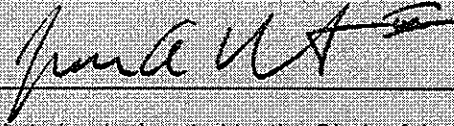
Check one: THIS ACTION SHOULD BE ASSIGNED TO:
(DO NOT check either box if this a PRISONER PETITION.)

☐ WHITE PLAINS

☒ MANHATTAN

DATE 9/6/11

SIGNATURE OF ATTORNEY OF RECORD



ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO
☒ YES (DATE ADMITTED Mo. May Yr. 2005)
Attorney Bar Code # 4357059

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)